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10/657,262

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Yoshihiro Maei

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OLIFF & BERRIDGE, PLC

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EXAMINER

STOREY, WILLIAM C

ART UNIT

PAPER NUMBER

4115

MAIL DATE

DELIVERY MODE

10/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/657,262

Applicant(s)

MAEI ET AL.

Examiner

William C. Storey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because "provide" should be changed to provided. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahan et al (US Patent Publication 2004/0196833), hereinafter referred to as Dahan, in view of Welin (US Patent Application Publication No. 2002/0031086) and Oobayashi (US Patent Publication 2002/0075521).

Regarding claim 1, Dahan discloses a facsimile apparatus for facsimile communications over an IP network, comprising: a network interface that connects to the IP network via a LAN or a public line; a TCP/UDP/IP protocol control unit that is connected to the network interface and controls an IP protocol and a TCP/UDP protocol; a real-time transfer protocol control unit that is connected to the TCP/UDP/IP protocol control unit and controls a real-time transfer protocol; a voice encoding/decoding unit that is connected to the real-time transfer protocol control unit

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and encodes and decodes a voice signal; a facsimile modem that is connected to the voice encoding/decoding unit and modulates and demodulates a facsimile signal; a first T30 protocol control unit that is connected to the facsimile modem and controls a T30 facsimile protocol; a first communication image processing unit that is connected to the first T30 protocol control unit and conducts image processing of communication image data; and an image storage unit that is connected to the communication image processing unit and stores a read image or image data received from a network; wherein: real-time facsimile communications of a virtual voice-mode are conducted with a conventional facsimile apparatus via the IP network. In addition, Dahan discloses a distributed gateway for combined communication services. Further, Dahan discloses that signals from a conversion path 600 can be transported on a packet-based network, such as the Internet 122 or a VoIP network 126, as disclosed in paragraph 147. It is inherent that there must be some form of network interface connection via a LAN or public line in order to connect to an IP network, such as an Internet or VoIP connection, for the express purpose of connecting to said network connections. This reads on claimed network interface that connects to the IP network via a LAN or a public line. Figure 6 depicts an RTP unit 334 connected to a UDP/IP unit 336, which reads on claimed real-time transfer protocol control unit that controls a real-time transfer protocol, and is further disclosed in paragraph 147. Dahan discloses an encoder 220 and a decoder 218 connected to the RTP unit that reads on claimed voice encoding/decoding unit that is connected to the real-time transfer protocol control unit and encodes and decodes a voice signal, as disclosed in Figure 6 and paragraph 147. Dahan discloses a

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data pump (DP) 333 that modulates the fax signals into voice signals and is connected to the encoder 220 and decoder 218, which reads on facsimile modem that is connected to the voice encoding/decoding unit and modulates and demodulates a facsimile signal, as disclosed in Figure 6 and paragraph 147. Dahan also discloses a fax machine 107 connected to a network and modem, as disclosed in Figure 2. It is notoriously well known that a fax machine should contain a modem for modulation and demodulation of a signal. It is also notoriously well known in the art to conform to T30 protocol in fax transmissions for the purpose of being able to communicate with the majority of popular faxes. Therefore, the disclosure of a fax machine 107 reads on claimed T30 protocol control unit that is connected to the facsimile modem and controls a T30 facsimile protocol. Further, it is inherent for a fax machine to contain an image scanning and processing unit. Therefore, fax machine 107 would read on a first communication image processing unit that is connected to the first T30 protocol unit and conducts image processing of communication image data, as disclosed in Figure 2.

Dahan discloses TCP/IP header control unit 339 and a udp/ip header control unit 336, as disclosed in figure 3. In addition, Dahan discloses that instead of sending faxes with a TCP header, a UDP header may be used, as disclosed in paragraph 107. However, Dahan fails to disclose the TCP, UDP, and IP control units contained together. However, the examiner maintains that it was well known in the art to provide the TCP, UDP, and IP control units contained together, as taught by Welin.

In a similar field of endeavor, Welin discloses a tcp/udp/ip protocol control unit that is connected to the network interface and controls an IP protocol and a TCP/UDP

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protocol. In addition, Welin discloses systems, processes, and integrated circuits for improved packet scheduling of media over packet. Further, Welin discloses a control unit 381 connected to a network physical interface 391, which is connected to a packet data network 351, which reads on "control unit that is connected to the network interface, as disclosed in Figure 3. In addition, Welin discloses a tcp/udp/ip stack in 611 and 3733, which may be placed inside the control unit such as 381 to control header output, which reads on claimed tcp/udp/ip protocol control unit, as disclosed in figures 3 and 6.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahan by specifically providing TCP, UDP, and IP control units contained together, as taught by Welin, for the purpose of conserving space.

Dahan discloses a fax machine 107, with components inherent to a conventional fax machine. However, Dahan fails to distinctly disclose an image storage unit. However, the examiner maintains that it was well known in the art to provide an image storage unit, as taught by Oobayashi.

In a similar field of endeavor, Oobayashi discloses an image storage unit that is connected to the communication image processing unit and stores a read image or image data received from a network. In addition, Oobayashi discloses an Internet facsimile and control method thereof. Further, Oobayashi discloses an image storage section 107, which reads on claimed image storage unit; connected to an image processing system 106, which reads on claimed connected to the communication image

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processing unit; connected to a read section 104, which reads on claimed read image; and all sections are connected through a bus connection 114, which reads on claimed network, as disclosed in Figure 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahan by specifically providing an image storage unit, as taught by Oobayashi, for the purpose of converting read image data into a format suitable for transmission, as disclosed in paragraph 39.

Dahan discloses FoIP fax communications sent through an RTP unit, which reads on claimed real-time facsimile communications; a data pump and a voice encoder/decoder which convert the fax signals into voice signal form, which reads on claimed virtual voice-mode; a fax machine 107, which reads on conventional facsimile apparatus; and transmittal of the signals on a packet based network, such as Internet or VoIP network, which reads on IP network; as disclosed in paragraph 147 and Figure 6.

Regarding claim 10, Dahan, Wéiin, and Oobayashi, hereinafter referred to as DWO, disclose everything as applied above for claim 1 except for the additions of facsimile protocol control unit and over a VoIP gateway. In addition, it is notoriously well known in the art to conform to T30 protocol in fax transmissions for the purpose of communicating with the majority of fax machines. Therefore, Dahan's disclosure of a fax machine 107 in Figure 2 reads on claimed facsimile protocol control unit that is connected to the facsimile modem and controls a T30 facsimile protocol. Further, Dahan discloses trasmittal of a fax call established with a remote VoIP gateway, which

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reads on claimed VoIP gateway, as a VoIP call over a VoIP network, as disclosed in paragraph 146 and 147.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahan in view of Welin and Oobayashi as applied to claim 1 above, and further in view of Murata et al (Japanese Patent Application Laid-Open No. 2002-044363), hereinafter referred to as Murata.

Regarding claim 7, Dahan, Welin, and Oobayashi disclose everything as applied above for claim 1. In addition, Oobayashi discloses a net control section 111, which reads on claimed a network control unit that controls a connection to a public line, as disclosed in Figure 2 and paragraph 37. Oobayashi discloses a modem 112, which reads on claimed public line facsimile modem that is connected to the network control unit and modulates and demodulates a facsimile signal, as disclosed in Figure 2 and paragraph 37. Oobayashi discloses a system for communicating with group three facsimile machines, as disclosed in Figure 1. In order to effectively communicate with group 3 facsimile machines, it is inherent that a fax system would contain a T30 control section in order to conform to ITU-T standards for communication with a group 3 machine. Communication control section 109 controls fax communications over a telephone network that connects with group 3 facsimile machines, as disclosed in paragraph 37, Figure 2, and Figure 1. Therefore, the inherency of such communication and the control of communication control section 109 read on claimed a public line facsimile protocol control unit that is connected to the public line facsimile modem and controls the T.30 facsimile protocol, as disclosed in Figure 1, Figure 2, and paragraph

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37. Oobayashi discloses an image processing section 106 and an image storage section 107, which reads on claimed public line communication image processing unit that is connected between the public line facsimile protocol control unit and the image storage unit and conducts image processing of communication image data, as disclosed in Figure 2 and paragraph 37.

Therefore, it would have been obvious to include the said teachings of Oobayashi for the purpose of fax communication and control.

The disclosures of Dahan, Welin, and Oobayashi in claim 1 read on claimed first communication unit, facsimile apparatus connected to the IP network, and first communication unit comprising the TCP/UDP/IP protocol control unit, the real-time transfer protocol control unit, the voice encoding/decoding unit, facsimile modem, the first T30 protocol unit and the communication image processing unit. All of the disclosures with respect to claim 7 thus far read on claimed second communication unit comprising the network control unit, the public line facsimile modem, the public line facsimile protocol control unit and the public line communication image processing unit, facsimile apparatus connected to the public line, and second communication unit. In addition, Murata and Maei disclose a technology which has a configuration for connecting to the Internet via a public line network (PSTN: Public Switched Telephone Network) and a LAN control section containing a T.38/T.37 mode independent of the PSTN, and when the ability of the other end is known, conducts communications in the T.37 mode, and when it is not known, conducts communications in the T.38 mode, as disclosed in Murata paragraph 14 and Maei paragraph 14. The examiner maintains that

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it was well known in the art at the time the invention was made to provide a means for selecting one of two different facsimile modes, as taught by Murata. In addition, Murata discloses a means for selecting one of two different facsimile modes, as disclosed in paragraph 14. This reads on a communication unit selecting unit that selects either of a first communication unit or a second communication unit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahan, Welin, and Oobayashi by specifically providing a means for selecting one of two different facsimile modes, as taught by Murata, for the purpose of providing more efficient synchronization between the transmitting and receiving sides of a fax communication and to secure a predetermined transmission speed depending on the situation of a data communication network, as disclosed in paragraph 11.

Regarding claim 8, Dahan, Welin, Oobayashi, and Murata disclose everything as applied above for claim 7. In addition, Dahan discloses wherein the facsimile modem and the public line facsimile modem are configured by a shared facsimile modem, and a switching unit is provided to selectively switch a connection of the shared facsimile modem with the voice encoding/decoding unit or with the network control unit. Further, Dahan discloses a single modem 110 which serves multiple input routes, which reads on claimed configured by a shared facsimile modem, as disclosed in Figure 1. The facsimile modem of the first communication unit reads on claimed facsimile mode, as disclosed in the rejection of claim 7. The public line facsimile modem of the second communication unit reads on claimed public line facsimile modem, as disclosed in the

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rejection of claim 7. In addition, Dahan discloses the gateway 108 and the modem 110 combined into a single unit 200 in Figure 2, as disclosed in paragraph 63. Further, Dahan discloses a controller 248, which switches the handling of a call from one input path to another, which reads on claimed switching unit provided to selectively switch a connection of the shared facsimile modem, as disclosed in Figure 2 and paragraph 134. The voice encoding/decoding unit of the first communication unit reads on claimed voice encoding/decoding unit, as disclosed in the rejection of claim 7. The network control unit of the second communication unit reads on claimed network control unit, as disclosed in the rejection of claim 7.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahan in view of Welin and Oobayashi and further in view of Murata as applied to claim 7 above, and further in view of Izumi (US Patent Publication 2004/0196506).

Regarding claim 9, the combination of Dahan, Welin, Oobayashi, and Murata, hereinafter referred to as DWOM, disclose everything as applied above for claim 7. In addition, DWOM disclose the ability to select either of the first communication unit or the second communication as described in the rejection of claim 7, which reads on claimed selects the first communication unit to call the destination terminal and selects the second communication unit to call the destination. However, DWOM fails to disclose an IP network terminal identification number storage unit that stores identification numbers used to identify IP network terminals. However, the examiner maintains that it was well known in the art to provide an IP network terminal identification number storage unit that stores identification numbers used to identify IP network terminals, as taught by Tanaka.

In a similar field of endeavor, Tanaka discloses network facsimile equipment. In addition, Tanaka discloses an input means, which reads on claimed destination terminal number input unit; for inputting the telephone number, which reads on claimed destination terminal number; of a transmitting destination, which reads on claimed destination terminal; as disclosed in paragraph 8. In addition, Tanaka discloses a registration means, which reads on claimed IP network terminal identification number storage unit; a facsimile apparatus referenced by the inputted telephone number, which reads on claimed IP network terminals; and IP address information with respect to the inputted telephone number, which reads on claimed identification numbers. Tanaka discloses a communication link decision means and telephone number collating means, which read on selective call control unit, as disclosed in paragraph 10. Tanaka discloses a telephone number, which reads on claimed input number and destination terminal number; IP address information, which reads on claimed identification numbers; registration means, which reads on claimed IP network terminal identification number storage unit; facsimile apparatus, which reads on claimed destination terminal, as disclosed in paragraph 10.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DWOM by specifically providing an IP network terminal identification number storage unit that stores identification numbers used to identify IP network terminals, as taught by Tanaka, for the purpose of increasing efficiency and speed by not having to determine the IP address of an inputted telephone number every time the telephone number is inputted, as disclosed in paragraph 4.

Regarding claim 11, DWOM discloses everything as applied for claim 3.

However, DWOM did not disclose wherein the first communication image processing unit and the second communication image processing unit are configured by a shared communication image processing unit. However, the examiner maintains that it was well known in the art to provide wherein the first communication image processing unit and the second communication image processing unit are configured by a shared communication image processing unit, as taught by Oobayashi.

In a similar field of endeavor, Oobayashi discloses an image processing section 106 that serves two output paths connecting from communication control section 109 and network control section 110; as disclosed in Figure 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DWOM by specifically providing wherein the first communication image processing unit and the second communication image processing unit are configured by a shared communication image processing unit, as taught by Oobayashi, for the purpose of conserving space, as is well known in the art.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahan in view of Welin and Oobayashi as applied to claim 1 above, and further in view of Murata et al (Japanese Patent Application Laid-Open No. 2002-044363), hereinafter referred to as Murata, and Iizuka (US Patent 688796).

Regarding claim 2, DWO discloses everything as applied above for claim 1. The disclosure of an image storage unit in claim 1 read on the claimed image storage unit of claim 2. The TCP/UDP/IP control unit disclosed in claim 1 reads on claimed

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TCP/UDP/IP control unit of claim 2. All of the disclosures with respect to claim 1 read on claimed first communication unit comprising the TCP/UDP/IP protocol control unit, the real-time transfer protocol control unit, the voice encoding/decoding unit, the facsimile modem, the first T30 protocol control unit and the communication image processing unit. However, DWO did not disclose a T.30 and T.38 protocol unit connected together. However, the examiner maintains that it was well known in the art to provide a T.30 and T.38 protocol unit connected together, as taught by Iizuka (US Patent 6888796).

In a similar field of endeavor, Iizuka discloses a communication connecting device adaptive to an IP network and communication rate control method therefor. In addition, Iizuka discloses a sending apparatus that has communication by T.30 recommendations and communication by T.38 recommendations in the same apparatus, as disclosed in column 2 lines 15-29 and 49-65. It is inherent that a facsimile apparatus (sending apparatus) must have a T.30 and a T.38 control unit in order to communicate in ensured conformity with both of those standards. It is also inherent that a facsimile apparatus would have an image processing unit to process scanned documents for sending, which reads on claimed second communication image processing unit that is connected between the second T30 protocol control unit and conducts image processing of communication image data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DWO by specifically providing a T.30 and T.38

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protocol unit connected together, as taught by Iizuka, for the purpose of communicating with different receiving ends.

In addition, DWO did not disclose a communication unit selecting unit. However, the examiner maintains that it was well known in the art to provide a communication unit selecting unit as disclosed by Murata.

In addition, Murata discloses facsimile equipment, facsimile transmission method and storage medium. Further, Murata discloses a means for selecting one of two different facsimile modes, as disclosed in paragraph 14. This reads on a communication unit selecting unit that selects either of a first communication unit or a second communication unit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahan, Welin, and Oobayashi by specifically providing a means for selecting one of two different facsimile modes, as taught by Murata, for the purpose of providing more efficient synchronization between the transmitting and receiving sides of a fax communication and to secure a predetermined transmission speed depending on the situation of a data communication network, as disclosed in paragraph 11.

Iizuka discloses a sending apparatus, which reads on claimed facsimile apparatus for T.38 and second communication unit, as disclosed in column 1, line 50.

Regarding claim 3, DWO, Murata, and Iizuka disclose everything as applied above for claim 2. Further, the first and the second T30 protocol disclosed above read on claimed first and second T30 protocol unit. In addition, the first and second T30

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units in the combination of the first and second communication units working together read on claimed shared protocol unit.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahan, Welin, Oobayashi, and Murata, hereinafter referred to as DWOM, and Iizuka in view of Ogawa and Oobayashi.

Regarding claim 3, Dahan, Welin, Oobayashi, and Murata, hereinafter referred to as DWOM, and Iizuka disclose everything as applied above for claim 2. However, DWOM and Iizuka did not disclose wherein the first T30 protocol control unit and the second T30 protocol control unit are configured by a shared protocol unit. However, the examiner maintains that it was well known in the art to provide wherein the first T30 protocol control unit and the second T30 protocol control unit are configured by a shared protocol unit, as taught by Ogawa.

In a similar field of endeavor, Ogawa discloses two fax protocol control units controlled by a shared protocol control unit. In addition, Ogawa discloses a communication terminal device. Further, Ogawa discloses a fax communication control unit 40, which serves both G3 and G4 communication, as disclosed in Figure 1. Ogawa discloses the fax communication control unit serving both a G3 communication mode (T30) and a G4 communication mode: simultaneous facsimile communication in the G4 mode/G3 mode is possible by such operation of the communication terminal device of the particular embodiment, as disclosed at column 9, lines 58-61. It is well known in the art to reproduce a duplicate of something already widely known, such as a T30 control unit. Therefore, the examiner states that it was well known in the art at the time of the

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invention to produce two T30 control units and place them in a shared control unit instead of two different control units, for the purpose of connecting to two separate G3 fax machines and for the simplification of layout and configuration.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DWOM and Iizuka by specifically providing the T30 protocol control unit and the public line facsimile protocol control unit are configured by a shared protocol unit, as taught by Ogawa, for the purpose of greatly improving communication efficiency, as disclosed at column 2, lines 33-34.

In addition, DWOM and Iizuka fail to disclose a switching unit provided to selectively switch a connection of the shared protocol control unit with the facsimile modem or with the T.38 protocol control unit. However, the examiner maintains that it was well known in the art to selectively switch a connection of the shared protocol control unit with the facsimile modem or with the T.38 protocol control unit, as taught by Oobayashi.

In a similar field of endeavor, Oobayashi discloses an internet facsimile and control method thereof. In addition, Walker discloses a network control section 110, which reads on claimed switching unit; that controls switching at least two different communication output modes, which reads on claimed selectively switch a connection, as disclosed in Figure 2 and paragraph 39. It is well known in the art to use a T.38 protocol control unit to ensure capability to communicate a fax over an IP standardized Ethernet connection, which reads on claimed T38 protocol control unit. In addition, Oobayashi discloses a branch from the network control section going to a modem 112,

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which reads on claimed modem, for a different type of communication than the other route previously-mentioned, as disclosed in Figure 2 and paragraph 37.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DWOM and lizuka by specifically providing a switching unit provided to selectively switch a connection of the shared protocol control unit with the facsimile modem or with the T.38 protocol control unit, as taught by Walker, for the purpose of allowing selective, separate outputs that would both conform to carry in a similar trait or traits and improve operability, as disclosed at paragraph 9 and paragraph 39.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahan, Welin, Oobayashi, and Murata, hereinafter referred to as DWOM, and lizuka in view of Walker et al. (US Patent Publication 2003/0193696), hereinafter referred to as Walker. Regarding claim 4, DWOM and lizuka; hereinafter referred to as DWOMI, disclose everything as applied above for claim 2. However, DWOMI fail to disclose a selective call control unit that first selects the first communication unit and call a destination terminal to judge whether the destination terminal has T.38 mode communication capability, and when the destination terminal has the T.38 mode communication capability, temporarily suspends the session and selects the second communication unit to call the destination terminal. However, the examiner maintains that it was well known in the art to provide a selective call control unit that first selects the first communication unit and call a destination terminal to judge whether the destination terminal has T.38 mode communication capability, and when the destination

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terminal has the T.38 mode communication capability, temporarily suspends the session and selects the second communication unit to call the destination terminal, as taught by Walker.

In a similar field of endeavor, Walker discloses voice and fax over IP call establishment in a communication network. In addition, Walker discloses the initialization of communication, which reads on claimed call a destination terminal; using voice communication, which reads on claimed first communication unit; by a media gateway, which reads on claimed selective call control unit; detects whether or not fax or t.38 communication is occurring, which reads on claimed judge whether the destination terminal has t.38 mode communication capability; and when it detects positively, enables the image/t38 connection; which reads on claimed selects the second communication unit to call the destination terminal; and mutes the voice communication until it detects a necessity to switch back to voice communication, which reads on claimed temporarily suspends the session; as disclosed at paragraphs 49, 51, and 52.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DWOMI by specifically providing a selective call control unit that first selects the first communication unit and call a destination terminal to judge whether the destination terminal has T.38 mode communication capability, and when the destination terminal has the T.38 mode communication capability, temporarily suspends the session and selects the second communication unit to call the destination

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terminal, as taught by Walker, for the purpose of improving efficiency and preventing the loss of a call, as disclosed at paragraph 4.

Regarding claim 5, the same reasoning as applied for claim 4 rejects claim 5.

Regarding claim 6, DWOMI and Walker disclose everything as applied above for claim 4. However, DWOMI and Walker did not disclose wherein it is judged whether the destination terminal has the t.38 mode communication capability in a stage shifted to a facsimile protocol after the establishment of a session according to the first call by the communication unit. However, the examiner maintains that it was well known in the art to provide wherein it is judged whether the destination terminal has the t.38 mode communication capability in a stage shifted to a facsimile protocol after the establishment of a session according to the first call by the communication unit, as taught by Walker.

In addition, Walker discloses switching to t.38 mode communication, which reads on claimed stage shifted to a facsimile protocol; after starting out the connection in the voice communication mode, which reads on claimed after the establishment of a session according to the first call by the first communication unit. While in the t.38 communication mode, it is continuously checked whether or not the t.38 mode is still to be enabled, which reads on claimed judged whether the destination terminal has the t.38 mode communication capability, as disclosed at paragraph 49.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosure of DWOMI and Walker by specifically providing wherein it is judged whether the destination terminal

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has the t.38 mode communication capability in a stage shifted to a facsimile protocol after the establishment of a session according to the first call by the communication unit, as taught by Walker, for the purpose of for the purpose of improving efficiency and preventing the loss of a call, as disclosed at paragraph 4.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahan, Welin, Oobayashi, and Murata, hereinafter referred to as DWOM, in view of Ogawa (US Patent 5042028).

Regarding claim 12, DWOM disclose everything as applied above for claim 8. However, DWOM did not disclose wherein the first communication image processing unit and the public line communication image processing unit are configured by a shared communication image processing unit. However, the examiner maintains that it was well known in the art to provide wherein the first communication image processing unit and the public line communication image processing unit are configured by a shared communication image processing unit, as taught by Oobayashi.

In a similar field of endeavor, Oobayashi discloses an image processing section 106 that serves two output paths connecting from communication control section 109 and network control section 110, as disclosed in Figure 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DWOM by specifically providing wherein the first communication image processing unit and the public line communication image processing unit are configured by a shared communication image processing unit, as taught by Oobayashi, for the purpose of conserving space, as is well known in the art.

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In addition, DWOM did not disclose wherein the T30 protocol control unit and the public line facsimile protocol control unit are configured by a shared protocol unit.

However, the examiner maintains that it was well known in the art to provide wherein the T30 protocol control unit and the public line facsimile protocol control unit are configured by a shared protocol unit, as taught by Ogawa.

In a similar field of endeavor, Ogawa discloses two fax protocol control units controlled by a shared protocol control unit. In addition, Ogawa discloses a communication terminal device. Further, Ogawa discloses a fax communication control unit 40, which serves both G3 and G4 communication, as disclosed in Figure 1. Ogawa discloses the fax communication control unit serving both a G3 communication mode (T30) and a G4 communication mode: simultaneous facsimile communication in the G4 mode/G3 mode is possible by such operation of the communication terminal device of the particular embodiment, as disclosed at column 9, lines 58-61. It is well known in the art to reproduce a duplicate of something already widely known, such as a T30 control unit. Therefore, the examiner states that it was well known in the art at the time of the invention to produce two T30 control units and place them in a shared control unit instead of two different control units, for the purpose of connecting to two separate G3 fax machines and for the simplification of layout and configuration.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DWOM by specifically providing the T30 protocol control unit and the public line facsimile protocol control unit are configured by a shared

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protocol unit, as taught by Ogawa, for the purpose of greatly improving communication efficiency, as disclosed at column 2, lines 33-34.

Citation of Pertinent Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kawabata et al. (US Publication 2004/0057421) discloses a communications terminal unit and method for controlling the same. Izumi et al. (US Publication 2004/0196506) discloses an image communication apparatus and control method thereof, program, and storage medium. Kocher (US Patent 6188766) discloses an apparatus and method for confirming, timestamping, and archiving printer and telecopier transmissions. Ananthaiyer et al. (US 2003/0090738) discloses channel estimation in a facsimile modern and method therefor.

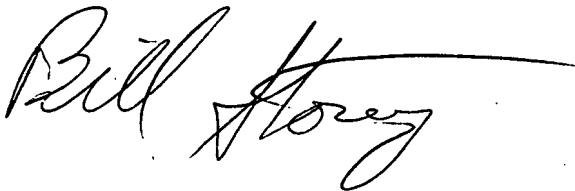
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Storey whose telephone number is 571-270-3576. The examiner can normally be reached on Monday - Friday (Alternate Fridays off) 7:30-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey F. Harold can be reached on 571-272-7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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William C Storey
Examiner
Art Unit 4115

WCS



JEFFEREY F. HAROLD
SUPERVISORY PATENT EXAMINER